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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:) Group Art Unit: 2155 K. Elwell et al. Examiner: Frantz B. Jean Application No. 10/029,688) Atty. Docket No. NAI1P061/ 01.303.01 Filed: 12/21/2001 For: ENTERPRISE NETWORK ANALYZER HOST CONTROLLER/ZONE CONTROLLER INTERFACE SYSTEM

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

AND METHOD

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 C.F.R. § 1.321(c))

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I, Kevin J. Zilka, represent that I am the agent of record.

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PAGE 17/18 * RCVD AT 5/28/2004 6:13:41 PM [Eastern Daylight Time] * 5VR;USPTO-EFXRF-1/0 * DNIS:8/20306 * CSID:408 971 4660 * DURATION (mm-66):05-40

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The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

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Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of Patent No. 6,714,513 as presently shortened by any terminal disclaimer. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

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